

AMENDED IN ASSEMBLY JUNE 20, 2012
AMENDED IN ASSEMBLY MAY 14, 2012
AMENDED IN SENATE JANUARY 17, 2012
AMENDED IN SENATE MAY 31, 2011
AMENDED IN SENATE APRIL 4, 2011
AMENDED IN SENATE MARCH 23, 2011
AMENDED IN SENATE MARCH 10, 2011

SENATE BILL

No. 114

Introduced by Senator Yee

January 19, 2011

An act to amend, *repeal, and add* Section 22138.5 of the Education Code, relating to teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 114, as amended, Yee. Teachers: retirement.

The State Teachers' Retirement Law, which is administered by the Teachers' Retirement Board, prescribes a comprehensive system of rights and benefits for its members, including disability benefits, retirement benefits, and death benefits. That law specifies the days or hours of creditable service that equal "full time" for the purpose of calculating benefits under the Defined Benefit Program, with a minimum standard applied, as specified. Under that law, each collective bargaining agreement or employment agreement, which applies to a member subject to the minimum standard for community college based on 525 instructional hours per school year for all instructors employed on a

part-time basis, is required to specify the number of hours of creditable service that equal full time and to specifically reference that section.

This bill, *as of July 1, 2013*, would expand that provision to apply to collective bargaining agreements or employment agreements for community college instructors employed in adult education programs who have a minimum of 875 instructional hours per school year. The bill would also require a copy of the collective bargaining agreements or employment agreements for those members to be submitted to the State Teachers' Retirement System *in accordance with specified criteria* and would require those agreements to specify the number of hours of creditable service that equal "full time" for each class of employee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22138.5 of the Education Code is amended
2 to read:

3 22138.5. (a) "Full time" means the days or hours of creditable
4 service the employer requires to be performed by a class of
5 employees in a school year in order to earn the compensation
6 earnable as defined in Section 22115 and specified under the terms
7 of a collective bargaining agreement or employment agreement.
8 For the purpose of crediting service under this part, "full time"
9 may not be less than the minimum standard specified in this
10 section. Each collective bargaining agreement or employment
11 agreement that applies to a member subject to the minimum
12 standard specified in paragraph (5) of subdivision (c) shall specify
13 the number of hours of creditable service that equal "full time"
14 pursuant to this section, and shall make specific reference to this
15 section.

16 (b) The minimum standard for full time in prekindergarten
17 through grade 12 is as follows:

18 (1) One hundred seventy-five days per year or 1,050 hours per
19 year, except as provided in paragraphs (2) and (3).

20 (2) (A) One hundred ninety days per year or 1,520 hours per
21 year for all principals and program managers, including advisers,
22 coordinators, consultants, and developers or planners of curricula,
23 instructional materials, or programs, and for administrators, except
24 as provided in subparagraph (B).

1 (B) Two hundred fifteen days per year or 1,720 hours per year
2 including school and legal holidays pursuant to the policy adopted
3 by the employer's governing board for administrators at a county
4 office of education.

5 (3) One thousand fifty hours per year for teachers in adult
6 education programs.

7 (c) The minimum standard for full time in community colleges
8 is as follows:

9 (1) One hundred seventy-five days per year or 1,050 hours per
10 year, except as provided in paragraphs (2), (3), (4), (5), and (6).
11 Full time includes time for duties the employer requires to be
12 performed as part of the full-time assignment for a particular class
13 of employees.

14 (2) One hundred ninety days per year or 1,520 hours per year
15 for all program managers and for administrators, except as provided
16 in paragraph (3).

17 (3) Two hundred fifteen days per year or 1,720 hours per year
18 including school and legal holidays pursuant to the policy adopted
19 by the employer's governing board for administrators at a district
20 office.

21 (4) One hundred seventy-five days per year or 1,050 hours per
22 year for all counselors and librarians.

23 (5) Five hundred twenty-five instructional hours per school year
24 for all instructors employed on a part-time basis, except instructors
25 specified in paragraph (6). If an instructor receives compensation
26 for office hours pursuant to Article 10 (commencing with Section
27 87880) of Chapter 3 of Part 51, the minimum standard shall be
28 increased appropriately by the number of office hours required
29 annually for the class of employees.

30 (6) Eight hundred seventy-five instructional hours per school
31 year for all instructors employed in adult education programs. If
32 an instructor receives compensation for office hours pursuant to
33 Article 10 (commencing with Section 87880) of Chapter 3 of Part
34 51, the minimum standard shall be increased appropriately by the
35 number of office hours required annually for the class of
36 employees.

37 (d) The board has final authority to determine full time for
38 purposes of crediting service under this part if full time is not
39 otherwise specified in this section.

1 (e) *This section shall become inoperative on July 1, 2013, and,*
2 *as of January 1, 2014, is repealed, unless a later enacted statute,*
3 *that becomes operative on or before January 1, 2014, deletes or*
4 *extends the dates on which it becomes inoperative and is repealed.*

5 SEC. 2. *Section 22138.5 is added to the Education Code, to*
6 *read:*

7 22138.5. (a) (1) *“Full time” means the days or hours of*
8 *creditable service the employer requires to be performed by a class*
9 *of employees in a school year in order to earn the compensation*
10 *earnable as defined in Section 22115 and specified under the terms*
11 *of a collective bargaining agreement or employment agreement.*
12 *For the purpose of crediting service under this part, “full time”*
13 *may not be less than the minimum standard specified in this section.*

14 (2) *Each collective bargaining agreement or employment*
15 *agreement that applies to a member subject to the minimum*
16 *standard specified in either paragraph (5) or (6) of subdivision*
17 *(c) shall specify the number of hours of creditable service that*
18 *equal “full time” pursuant to this section for each class of*
19 *employee subject to either paragraph and shall make specific*
20 *reference to this section. A copy of each fully executed collective*
21 *bargaining agreement or employment agreement shall be submitted*
22 *to the system.*

23 (A) *The copies shall be submitted electronically in a format*
24 *determined by the system that ensures the security of the*
25 *transmitted member data.*

26 (B) *The copies shall be submitted annually to the system on or*
27 *before July 1, or on or before the effective date of the agreement,*
28 *whichever is later.*

29 (b) *The minimum standard for full time in prekindergarten*
30 *through grade 12 is as follows:*

31 (1) *One hundred seventy-five days per year or 1,050 hours per*
32 *year, except as provided in paragraphs (2) and (3).*

33 (2) (A) *One hundred ninety days per year or 1,520 hours per*
34 *year for all principals and program managers, including advisers,*
35 *coordinators, consultants, and developers or planners of curricula,*
36 *instructional materials, or programs, and for administrators,*
37 *except as provided in subparagraph (B).*

38 (B) *Two hundred fifteen days per year or 1,720 hours per year*
39 *including school and legal holidays pursuant to the policy adopted*

1 *by the employer's governing board for administrators at a county*
2 *office of education.*

3 *(3) One thousand fifty hours per year for teachers in adult*
4 *education programs.*

5 *(c) The minimum standard for full time in community colleges*
6 *is as follows:*

7 *(1) One hundred seventy-five days per year or 1,050 hours per*
8 *year, except as provided in paragraphs (2), (3), (4), (5), and (6).*
9 *Full time includes time for duties the employer requires to be*
10 *performed as part of the full-time assignment for a particular class*
11 *of employees.*

12 *(2) One hundred ninety days per year or 1,520 hours per year*
13 *for all program managers and for administrators, except as*
14 *provided in paragraph (3).*

15 *(3) Two hundred fifteen days per year or 1,720 hours per year*
16 *including school and legal holidays pursuant to the policy adopted*
17 *by the employer's governing board for administrators at a district*
18 *office.*

19 *(4) One hundred seventy-five days per year or 1,050 hours per*
20 *year for all counselors and librarians.*

21 *(5) Five hundred twenty-five instructional hours per school year*
22 *for all instructors employed on a part-time basis, except instructors*
23 *specified in paragraph (6). If an instructor receives compensation*
24 *for office hours pursuant to Article 10 (commencing with Section*
25 *87880) of Chapter 3 of Part 51, the minimum standard shall be*
26 *increased appropriately by the number of office hours required*
27 *annually for the class of employees.*

28 *(6) Eight hundred seventy-five instructional hours per school*
29 *year for all instructors employed in adult education programs. If*
30 *an instructor receives compensation for office hours pursuant to*
31 *Article 10 (commencing with Section 87880) of Chapter 3 of Part*
32 *51, the minimum standard shall be increased appropriately by the*
33 *number of office hours required annually for the class of*
34 *employees.*

35 *(d) The board has final authority to determine full time for*
36 *purposes of crediting service under this part if full time is not*
37 *otherwise specified in this section.*

38 *(e) This section shall become operative on July 1, 2013.*

39 ~~SECTION 1. Section 22138.5 of the Education Code is~~
40 ~~amended to read:~~

~~22138.5. (a) “Full time” means the days or hours of creditable service the employer requires to be performed by a class of employees in a school year in order to earn the compensation earnable as defined in Section 22115 and specified under the terms of a collective bargaining agreement or employment agreement. For the purpose of crediting service under this part, “full time” may not be less than the minimum standard specified in this section. Each collective bargaining agreement or employment agreement that applies to a member subject to the minimum standard specified in either paragraph (5) or (6) of subdivision (c) shall specify the number of hours of creditable service that equal “full time” pursuant to this section for each class of employee subject to either paragraph, shall make specific reference to this section, and shall submit a copy of the agreement to the system.~~

~~(b) The minimum standard for full time in prekindergarten through grade 12 is as follows:~~

~~(1) One hundred seventy-five days per year or 1,050 hours per year, except as provided in paragraphs (2) and (3).~~

~~(2) (A) One hundred ninety days per year or 1,520 hours per year for all principals and program managers, including advisers, coordinators, consultants, and developers or planners of curricula, instructional materials, or programs, and for administrators, except as provided in subparagraph (B).~~

~~(B) Two hundred fifteen days per year or 1,720 hours per year including school and legal holidays pursuant to the policy adopted by the employer’s governing board for administrators at a county office of education.~~

~~(3) One thousand fifty hours per year for teachers in adult education programs.~~

~~(c) The minimum standard for full time in community colleges is as follows:~~

~~(1) One hundred seventy-five days per year or 1,050 hours per year, except as provided in paragraphs (2), (3), (4), (5), and (6). Full time includes time for duties the employer requires to be performed as part of the full-time assignment for a particular class of employees.~~

~~(2) One hundred ninety days per year or 1,520 hours per year for all program managers and for administrators, except as provided in paragraph (3).~~

1 ~~(3) Two hundred fifteen days per year or 1,720 hours per year~~
2 ~~including school and legal holidays pursuant to the policy adopted~~
3 ~~by the employer's governing board for administrators at a district~~
4 ~~office.~~

5 ~~(4) One hundred seventy-five days per year or 1,050 hours per~~
6 ~~year for all counselors and librarians.~~

7 ~~(5) Five hundred twenty-five instructional hours per school year~~
8 ~~for all instructors employed on a part-time basis, except instructors~~
9 ~~specified in paragraph (6). If an instructor receives compensation~~
10 ~~for office hours pursuant to Article 10 (commencing with Section~~
11 ~~87880) of Chapter 3 of Part 51, the minimum standard shall be~~
12 ~~increased appropriately by the number of office hours required~~
13 ~~annually for the class of employees.~~

14 ~~(6) Eight hundred seventy-five instructional hours per school~~
15 ~~year for all instructors employed in adult education programs. If~~
16 ~~an instructor receives compensation for office hours pursuant to~~
17 ~~Article 10 (commencing with Section 87880) of Chapter 3 of Part~~
18 ~~51, the minimum standard shall be increased appropriately by the~~
19 ~~number of office hours required annually for the class of~~
20 ~~employees.~~

21 ~~(d) The board has final authority to determine full time for~~
22 ~~purposes of crediting service under this part if full time is not~~
23 ~~otherwise specified in this section.~~